

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EMANUEL COATES,

Plaintiff,

v.

Case No. 12-15529

Honorable Laurie J. Michelson

Magistrate Judge Elizabeth A. Stafford

JEMER JURADO, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION TO STRIKE [R. 154]

Plaintiff Emanuel Coates ("Coates"), a *pro se* prisoner, alleges that Defendants Jemer Jurado, N.P. ("Jurado"), and Corizon Health, Inc. (collectively "Defendants")¹ were deliberately indifferent to his serious medical needs in violation of the Eighth Amendment by failing to provide him with a replacement hearing aid. [R. 52]. The Honorable Laurie J. Michelson referred the case to this Court to resolve all pretrial matters pursuant to 28 U.S.C. § 636(b)(1)(A) and (B). On January 2, 2015, Defendants filed a motion for summary judgment. [R. 125]. Before the Court is Coates's motion to strike Defendants' motion for summary judgment. [R. 154].

¹ Coates also named Subrina Aiken, R.N., as a defendant; however, the Court dismissed her from this action on September 25, 2013. [See R. 59].

Coates argues that the Court should strike Defendants' motion for summary judgment as being untimely because dispositive motions were originally due May 7, 2014. The Court disagrees. As explained previously, the delay here was caused by Coates's failure to timely produce relevant discovery. [R. 133, PgID 2019-23]. As a result of Coates's conduct, the Court extended discovery for Defendants and extended the deadline for filing dispositive motions until April 24, 2015. [*Id.*, PgID 2022-23]. Therefore, Defendants' motion for summary judgment was timely, and Coates's motion to strike [R. 154] is **DENIED**.

IT IS ORDERED.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: May 27, 2015

NOTICE TO THE PARTIES REGARDING OBJECTIONS

The parties' attention is drawn to [Fed. R. Civ. P. 72\(a\)](#), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under [28 U.S. C. §636\(b\)\(1\)](#). Unless ordered otherwise by the Court, the filing of an appeal to the District Judge does not stay the parties' obligations in this Order. See E.D. Mich. [LR 72.2](#).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 27, 2015.

s/Marlana Williams
MARLENA WILLIAMS
Case Manager